



February 27, 2001

HOUSE BILL No. 2147

DIGEST OF HB 2147 (Updated February 26, 2001 1:45 PM - DI 55)

Citations Affected: IC 4-22; IC 13-14.

Synopsis: Provides that the automatic expiration of an administrative rule on January 1 of the seventh year after the year in which the rule takes effect does not apply to: (1) a rule that is required to receive or maintain delegation, primacy, or approval for state implementation or operation of a federally mandated program; or (2) a rule that is required to begin or continue receiving federal funding for the implementation or operation of a program. Provides that the date for the automatic expiration of an administrative rule is extended each time that the rule is amended and that the rule, as amended, expires on January 1 of the seventh year after the year in which the amendment takes effect.

Effective: July 1, 2001.

Moses

January 17, 2001, read first time and referred to Committee on Rules and Legislative Procedures.
February 26, 2001, amended, reported — Do Pass.

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HB 2147—LS 6574/DI 13+



February 27, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 2147

A BILL FOR AN ACT to amend the Indiana Code concerning state administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-22-2.5-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter does not
3 apply to the following:

- 4 (1) Rules adopted by the department of state revenue.
5 (2) Rules adopted by the state board of tax commissioners.
6 (3) Rules adopted under IC 13-14-9 by the department of
7 environmental management or a board that has rulemaking
8 authority under IC 13.
9 (4) A rule that incorporates a federal regulation by reference or
10 adopts under a federal mandate a federal regulation in its entirety
11 without substantive additions.
12 (5) A rule that is required to receive or maintain:
13 (A) delegation;
14 (B) primacy; or
15 (C) approval;
16 for state implementation or operation of a federally mandated
17 program.

HB 2147—LS 6574/DI 13+



(6) A rule that is required to begin or continue receiving federal funding for the implementation or operation of a program.

SECTION 2. IC 4-22-2.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Except as provided in subsection (b), an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. **The expiration date of a rule under this section is extended each time that a rule amending an unexpired rule takes effect. The rule, as amended, expires on January 1 of the seventh year after the year in which the amendment takes effect.**

(b) An administrative rule that:

(1) was adopted under IC 4-22-2; ~~and~~

(2) is in force on December 31, 1995; ~~and~~

(3) is not amended by a rule that takes effect after December 31, 1995, and before January 1, 2002;

expires not later than January 1, 2002.

SECTION 3. IC 13-14-9.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. This chapter does not apply to **the following:**

(1) A rule that incorporates a federal regulation by reference or adopts under a federal mandate a federal regulation in its entirety without substantive additions.

(2) A rule that is required to receive or maintain:

(A) delegation;

(B) primacy; or

(C) approval;

for state implementation or operation of a federally mandated program.

(3) A rule that is required to begin or continue receiving federal funding for the implementation or operation of a program.

SECTION 4. IC 13-14-9.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) Except as provided in subsection (b), an administrative rule adopted under IC 13-14-9 expires January 1 of the seventh year after the year in which the rule takes effect, unless the rule contains an earlier expiration date. **The expiration date of a rule under this section is extended each time that a rule amending an unexpired rule takes effect. The rule, as amended, expires on January 1 of the seventh year after the year in which the amendment takes effect.**



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- 1 (b) An administrative rule that:
2 (1) was adopted under a provision of IC 13; that has been
3 repealed by a recodification of IC 13; ~~and~~
4 (2) is in force on December 31, 1995; **and**
5 **(3) is not amended by a rule that takes effect after December**
6 **31, 1995, and before January 1, 2002;**
7 expires not later than January 1, 2002.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures, to which was referred House Bill 2147, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state administration.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 2147 as introduced.)

MOSES, Chair

Committee Vote: yeas 7, nays 1.

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